

Appendix A-2

**Notice of Preparation of a Draft EIS/EIR for the San Diego Creek
Watershed SAMP/MSAA**

DEPARTMENT OF FISH AND GAME

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2001081007

**NOTICE OF PREPARATION OF A
DRAFT ENVIRONMENTAL IMPACT STATEMENT/
DRAFT ENVIRONMENTAL IMPACT REPORT**

TO: Distribution List

FROM: California Department of Fish and Game, Region 5

DATE: August 1, 2001

RE: Notice of Preparation of a Draft Environmental Impact Statement/Draft Environmental Impact Report

PROJECT: Special Area Management Plan (SAMP), associated section 404 federal permit actions, and the alteration of various riparian and other jurisdictional areas that will require a Master Streambed Alteration Agreement (MSAA) pursuant to Fish and Game Code section 1600 *et seq.* for the San Diego Creek watershed, central Orange County (Proposed Project)

APPLICANT: The Irvine Company, Irvine Ranch Water District, and other public and private entities.

The California Department of Fish and Game (DFG), acting as Lead Agency, has determined that the above-referenced project may have a significant impact on the environment, and that an Environmental Impact Report should be prepared pursuant to the California Environmental Quality Act (CEQA). A summary of the Proposed Project is attached as Exhibit A.

This document will be a joint Draft Environmental Impact Statement/Environmental Impact Report (DEIS/DEIR) and will be prepared by DFG and the United States Army Corps of Engineers (ACOE). For the purposes of the EIR, the proposed State action is the alteration of various riparian and other jurisdictional areas that will require the issuance of a MSAA pursuant to section 1600 *et seq.* of the Fish and Game Code.

We request the views of your agency as to the scope and content of the environmental information that is germane to your agency's statutory responsibilities in connection with the Proposed Project. Your agency may need to use the EIS/EIR when considering your permit(s) or other approval(s) for the project. An Initial Study is not attached to the NOP because DFG has determined that an EIR is required based on the magnitude of the Proposed Project, the geographic area, and the number of resources the project could affect (Cal. Code Regs., tit.14, section 15063(a).)

Pursuant to time limits under Public Resources Code section 21080.4(a), your agency's written response to this notice must be sent to DFG as early as possible, but no later than 30 days after receipt of this notice. Please send your written comments to William Tippetts, Environmental Program Manager at the address shown above. If you have any questions, please contact Brad Henderson, Environmental Specialist, at 310-214-9950.

Attachment A

1.0 Proposed Project

The proposed project area (See figure 1), the San Diego Creek watershed, encompasses 32,000 hectares (122 square miles or 78,000 acres) in central Orange County, California. The watershed drains westerly into Upper Newport Bay. Urban areas within the project area include portions of the cities of Santa Ana, Tustin, Laguna Hills, Costa Mesa, Irvine, and Lake Forest. Large parts of the project area have been developed for agriculture, residential and commercial uses. Aquatic resources in the remaining undeveloped portions of the project area consist of intermittent and ephemeral drainages, riparian wetlands, and small areas of alkali marshes. The major tributaries of San Diego Creek include Peters Canyon Wash, Hicks Canyon Wash, Rattlesnake Canyon Wash, Borrego Canyon Wash, Serrano Creek, Agua Chinon Wash, Bommer Canyon Creek, Shady Canyon Creek, Round Canyon Wash, Bee Canyon Wash, Trabuco Channel, Bonita Canyon Wash, and Sand Canyon Wash.

The majority of the upland habitats in the project area described above have been addressed by a large scale wildlife habitat planning process under both federal and state law. On July 17, 1996, the Department of Fish and Game (DFG) finalized the Natural Community Conservation Plan for the Central and Coastal Subregion of Orange County (NCCP Plan). This NCCP Plan was prepared pursuant to Fish and Game Code section 2800 et seq. and was developed along with a Habitat Conservation Plan for the same area by the United States Fish and Wildlife Service (USFWS), in coordination with local agencies and landowners. This NCCP Plan addressed long-term protection for sensitive species (terrestrial and aquatic), including those that are listed as endangered or threatened under state and federal law. This NCCP Plan and its associated environmental analysis examined proposed development activities within the area, including residential, commercial, industrial, and recreational development, public infrastructure such as roads, utilities, and bridges, and maintenance of these facilities. The NCCP Plan included a reserve program for the protection of sensitive species within the plan area.

The proposed project complements the large-scale planning conducted for the NCCP plan by more narrowly focusing on the riparian and/or aquatic areas that would be impacted by the proposed development. Specifically, under the jurisdiction of the Army Corps of Engineers (ACOE) the Special Area Management Plan (SAMP) forms the foundation for long-term planning and regulatory actions under section 404 of the Clean Water Act. SAMPs are used for projects that involve large areas, a high level of complexity, and sensitive aquatic resources; the proposed project meets these criteria.

Under state law, certain riparian or aquatic areas also fall under the jurisdiction of DFG pursuant to Fish and Game Code section 1600 et seq. That statute generally provides that when a project will impact certain riparian resources, conservation and mitigation measures to protect those resources should be proposed by DFG and included in the project. For certain large-scale projects, DFG has developed Master Streambed Alteration Agreements (MSAA). The MSAA authorizes the alteration of riparian areas that are analyzed in detail for the purposes of CEQA and sets out a process and standards by which other later projects will be reviewed and considered. The project proponents seek an MSAA from DFG for the proposed project. Hereinafter, this federal document and the state authorization will be referred to as the SAMP/MSAA.

The key objectives of the environmental analysis for the SAMP/MSAA for the San Diego Creek watershed include: 1) evaluating the extent and condition of existing aquatic resources in the project

area; 2) identifying and evaluating alternative land development scenarios (developed as part of the NCCP Plan and SAMP processes); and 3) address, programmatically, water quality issues raised under state and federal laws; and 4) developing a reserve program and comprehensive management plan for reserve areas to preserve and enhance existing aquatic resources.

2.0 Other involved agencies

The environmental document will be a joint federal and state document. For the federal document, the USACOE will be the lead agency for the preparation of the Environmental Impact Statement. DFG will be the state lead agency for the preparation of the Environmental Impact Report. The National Environmental Policy Act (42 U.S.C. section 4321 et seq.) authorizes the preparation of such documents, as does CEQA (CEQA Guideline section 15220 et seq.) A separate federal Notice of Intent has been prepared and published. However, ACOE and DFG will work cooperatively on the joint EIS/EIR and coordinate wherever possible.

Other agencies will be working with the ACOE and DFG on the document. These agencies are anticipated to include the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the U.S. Environmental Protection Agency, the California Coastal Commission and the Regional Water Quality Control Board (Santa Ana Region), as necessary.

3.0 Key Environmental Effects

The EIS/EIR will address impacts associated with future land development in the watersheds and actions to conserve, protect and manage aquatic resources. The key environmental impacts to be addressed in the EIS/EIR are listed below:

Aquatic resources - Potential effects of proposed land use alternatives on the functional integrity and extent of aquatic resources due to altered biological, hydrological, and water quality conditions in the project area. Indirect impacts of land development and human activities in close proximity to aquatic resources will also be addressed.

Water quality - Potential effects on the quality of surface and ground water due to construction activities in the watersheds, and due to urban storm water runoff associated with future development. To the extent feasible, the SAMP/MSAA will address water quality issues on a programmatic basis.

Threatened, endangered and other sensitive species - Potential adverse impacts on listed and other sensitive species, with an emphasis on those that are riparian or aquatic dependent.

Cultural Resources - Potential impacts on archeological, ethnographic, paleontologic, and historic resources.

4.0 Schedule

A draft EIS/EIR is expected to be issued for public review in Spring 2002.

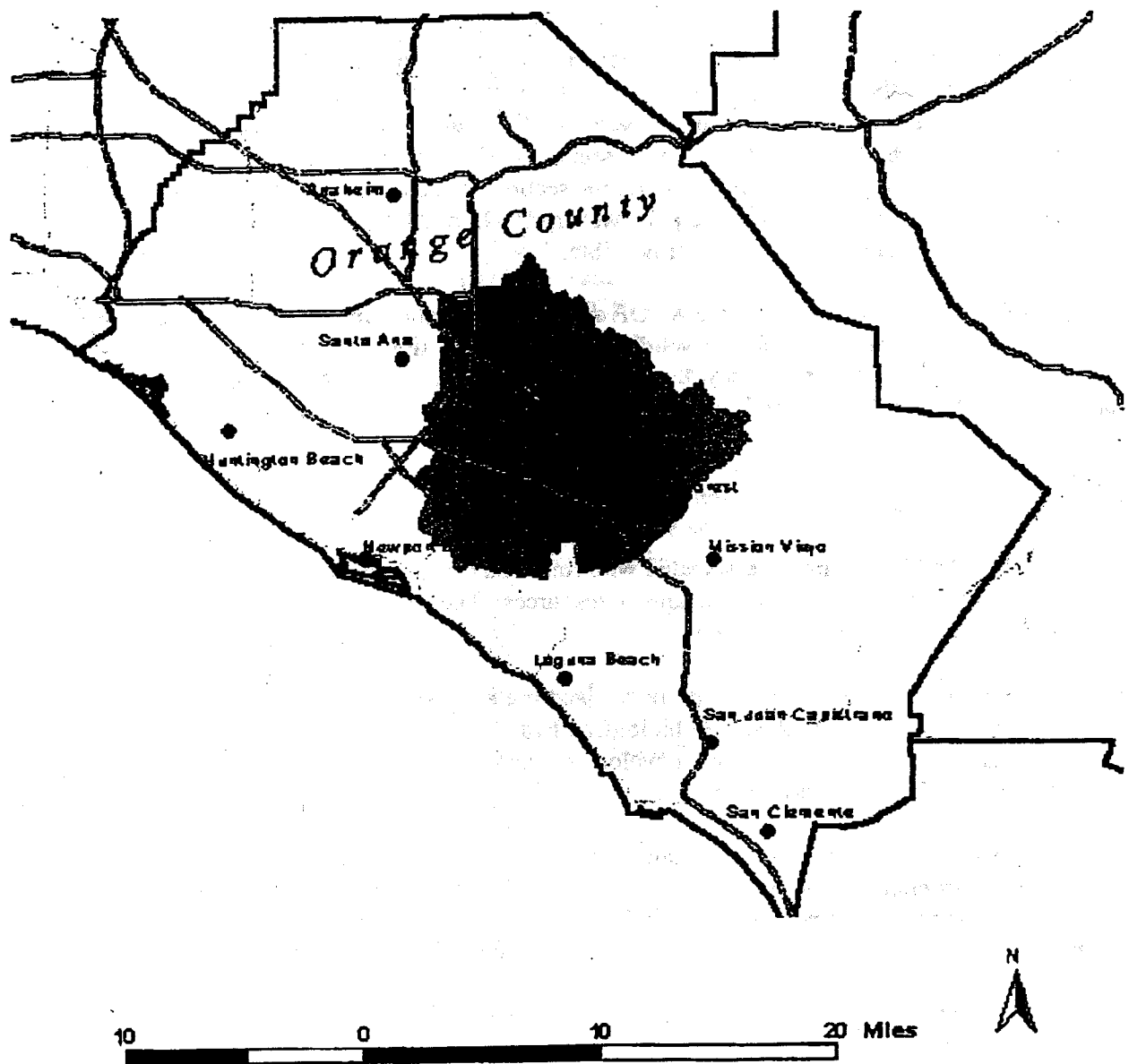


Figure 1